



Sen. John J. Cullerton

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09600SB3803sam001

LRB096 20879 AJT 38911 a

1 AMENDMENT TO SENATE BILL 3803

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3803 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Roadside Memorial Act is amended by  
5 changing Sections 5, 10, and 15 and by adding Section 23 as  
6 follows:

7 (605 ILCS 125/5)

8 Sec. 5. Purpose of the Roadside Memorial program. The  
9 Roadside Memorial program is intended to raise public awareness  
10 of impaired driving and reckless driving by emphasizing the  
11 dangers while affording families an opportunity to remember the  
12 victims of crashes involving impaired or reckless drivers.

13 (Source: P.A. 95-398, eff. 1-1-08.)

14 (605 ILCS 125/10)

15 Sec. 10. Definitions. As used in this Act:

1 "Department" means the Department of Transportation.

2 "DUI memorial marker" means a marker on a highway in this  
3 State commemorating one or more persons who died as a proximate  
4 result of a crash caused by a driver under the influence of  
5 alcohol, other drug or drugs, intoxicating compound or  
6 compounds, or any combination thereof.

7 "Fatal accident memorial marker" means a marker on a  
8 highway in this State commemorating one or more persons who  
9 died as a proximate result of a crash caused by a driver who  
10 committed an act of reckless homicide in violation of Section  
11 9-3 or 9-3.2 of the Criminal Code of 1961 or who otherwise  
12 caused the death of one or more persons through the operation  
13 of a motor vehicle.

14 "Qualified relative" means: an immediate relative of the  
15 deceased, by marriage, blood, or adoption, such as his or her  
16 spouse, son, daughter, mother, father, sister, or brother; a  
17 stepmother, stepfather, stepbrother, or stepsister of the  
18 deceased; or a person with whom the deceased was in a domestic  
19 partnership or civil union as recognized by a State or local  
20 law or ordinance.

21 "Supporting jurisdiction" means the Department or any  
22 municipality, township, or county that establishes a Roadside  
23 Memorial program within its jurisdictional area.

24 (Source: P.A. 95-398, eff. 1-1-08.)

1           Sec. 15. Participation in the Roadside Memorial program.

2           (a) A qualified relative of a victim may make a request for  
3 the installation of a memorial marker in a supporting  
4 jurisdiction using an application developed by the supporting  
5 jurisdiction. The supporting jurisdiction shall have sole  
6 responsibility for determining whether a request for a DUI  
7 memorial marker or a fatal accident memorial marker is rejected  
8 or accepted.

9           (b) An application for a DUI memorial marker or a fatal  
10 accident memorial marker may be submitted by a qualified  
11 relative with regard to any crash that occurred on or after  
12 January 1, 1990.

13           (c) If there is any opposition to the placement of a DUI  
14 memorial marker or a fatal accident memorial marker by any  
15 qualified relative of any decedent involved in the crash, the  
16 supporting jurisdiction shall deny the request.

17           (d) The supporting jurisdiction shall deny the request or,  
18 if a DUI memorial marker or a fatal accident memorial marker  
19 has already been installed, may remove the marker, if the  
20 qualified relative has provided false or misleading  
21 information in the application.

22           (e) The qualified relative shall agree not to place or  
23 encourage the placement of flowers, pictures, or other items at  
24 the crash site.

25           (f) A DUI memorial marker or a fatal accident memorial  
26 marker shall not be erected for a deceased driver involved in a

1 fatal crash who is shown by toxicology reports to have been in  
2 violation of State DUI law, unless the next of kin of any other  
3 victim or victims killed in the crash consent in writing to the  
4 erection of the memorial marker.

5 (Source: P.A. 95-398, eff. 1-1-08; 95-873, eff. 8-21-08.)

6 (605 ILCS 125/23 new)

7 Sec. 23. Fatal accident memorial markers.

8 (a) A fatal accident memorial marker shall consist of a  
9 white on red panel bearing the message "Reckless Driving Costs  
10 Lives". At the request of the qualified relative, a separate  
11 panel bearing the words "In Memory of (victim's name)",  
12 followed by the date of the crash that was the proximate cause  
13 of the loss of the victim's life, shall be mounted below the  
14 primary panel.

15 (b) A fatal accident memorial marker may memorialize more  
16 than one victim who died as a result of the same crash. If one  
17 or more additional deaths subsequently occur in close proximity  
18 to an existing fatal accident memorial marker, the supporting  
19 jurisdiction may use the same marker to memorialize the  
20 subsequent death or deaths, by adding the names of the  
21 additional persons.

22 (c) A fatal accident memorial marker shall be maintained  
23 for at least 2 years from the date the last person was  
24 memorialized on the marker.

25 (d) The supporting jurisdiction has the right to install a

1 marker at a location other than the location of the crash or to  
2 relocate a marker due to restricted room, property owner  
3 complaints, interference with essential traffic control  
4 devices, safety concerns, or other restrictions. In such cases,  
5 the sponsoring jurisdiction may select an alternate location.

6 (e) The Department shall secure the consent of any  
7 municipality before placing a fatal accident memorial marker  
8 within the corporate limits of the municipality.

9 (f) A fee in an amount to be determined by the supporting  
10 jurisdiction shall be charged to the qualified relative. The  
11 fee shall not exceed the costs associated with the fabrication,  
12 installation, and maintenance of the fatal accident memorial  
13 marker."